UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,553	01/16/2004	Morgan Perry	418268719US	8102

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3688	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/759,553	PERRY, MORGAN
	Examiner	Art Unit	
	SABA DAGNEW	3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 April 2009</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>6-8,10-17,19,20 and 23-31</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>6-8,10-17,19,20 and 23-31</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)　　　　　　　　　　Office Action Summary　　　　　　　　Part of Paper No./Mail Date 20090519

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set
forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this
application is eligible for continued examination under 37 CFR 1.114, and the fee set
forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action
has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 April
2009 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

Claims 6-8, 10-15 23-24, and 26, are rejected under 35 U.S.C. 102(e) as being
anticipated by Radwin (7,007,074 B2).

With respect to claims 6 and 26, Radwin teaches a method of using one or more
processors to distribute Internet advertisement to users comprising:

with a processor, defining a plurality of advertising strategies *each* advertising
strategy specifying a plurlity of advertisements, a plurality of search terms, and an

arbitrary time duration *(abstract, **Col. 1, lines 30-38,** which teaches a term is searched during a period of time **and Col. 3, lines 19-37,** which teaches presentation to the user until the period of time expires (duration time))* ; and

with a processor, assigning cookies to users of a search interface *(**Fig. 8, 808 and Col. 13, lines 19-22 and Col. 14, lines 8-14,** where "setting cookies" reads on assigning cookies)*

with a processor storing the collected search terms for each user in association with each user's cookie*(**Col. 13, lines 19-33 and Col. 14, liens 8-14,** which teaches cookie contains an encrypted version of the ad type)* ;

for each of a plurality of users *(**Col. 7, lines 21-28,** which teaches accessing records for each of the users),* based on the collected search terms *(**Fig. 6, 602,** where "receive search terms" reads on collected search terms)*, with a processor, selecting advertising strategy to assign to the user by *(**Col. 3, lines 19-37,** which teaches repository includes immediate and time-dependent (time duration) search characteristics associated with various search terms entered by user);*

for each advertising strategy *(Abstract, where "immediate advertisements and time-dependent advertisements associated with search results" reads on advertising strategies) ,*

of the collected search terms *(**Fig. 6, 602,** where "receiving search terms" reads on collected search terms) re identifying those employed by the user *(**Fig. 6, 604,** where "store user search characteristics" reads on identifying those employed by user)* over an immediately preceding period equal to the time duration specified by the

advertising strategy *(Fig. 6, 616-620, where "filtering out expired terms, select time-delayed Ad, and present time-delayed ad" reads on preceding period equal to the time duration specified by the advertising strategy)*;

comparing a set of search terms specified by the an advertising strategy (*Fig. 6, 606 and 610*) to the identified search terms to determine whether the user has employed any of the search terms specified by the advertising strategy over the period, and *(Fig. 6, 619 and 620, Col. 5, lines 65-67, Col. 6, lines 1-5, which teaches determining one search characteristics is a user ID associated with particular terms and Col. 10, lines 16-25, which teaches selecting the most appropriate advertisement, which accompany the search result (match or compared) and display advertisement as a banner advertising strategy, Col. 11, lines 49-67 and Col. 12 lines 1-5)*; and

if the user has employed any of the search terms specified by the advertising strategy over the period, assigning the user to the advertising strategy that includes serving the user an advertisement specified by the selected advertising strategy *(Fig. 6, 602, where "receiving search terms" reads on collected search terms, 604, where "store user search characteristics" reads on identifying those employed by user and , 616-620, where "filtering out expired terms, select time- delayed Ad, and present time-delayed ad" reads on preceding period equal to the time duration specified by the advertising strategy)*; and

in response to a user visiting a publisher web site, after the user is assigned to a selected advertising strategy *(Col. 12, lines 17-22, which teaches user selects a web*

page (advertising strategy) to view advertisement), enacting the selected advertising

strategy to present an advertisement specified by with the selected advertising strategy

(Fig. 6, 620 and Col. 12, lines 17-25, , which teaches user selects a web page

(advertising strategy) to view advertisement, and displaying on web page by clicking

hypertext links)

With respect to claim 7, Radwin teaches all elements of claim 6. Furthermore,

Radwin teaches the method wherein collecting a unique identifier associated with each

user *(Fig. 3 where "user 0 ...user n" reads a unique indenter and Col. 15, lines 29-34).*

With respect to claim 8, Radwin teaches all elements of claim 6. Furthermore,

Radwin teaches the method wherein a collecting search term includes collecting

combinations of multiple search terms **(Col. 10, lines 5-15***)*.

With respect to claim 10, Radwin teaches all elements of claim 6. Furthermore,

Radwin teaches the method wherein assigning each user to an advertising strategy

occurs before the user visits the publisher web site *(Col. 5, lines 28-32, where teaches*

a search query initiated to user before visiting web site).

With respect to claim 11, Radwin teaches all elements of claim 6. Furthermore,

Radwin teaches a method including with a processor providing a plurality of selected

advertisement *(Col. 4, lines15- 18)*, each associated with a selected advertising

strategy *(Col. 4, lines 21-23),* and wherein at least one the advertising strategies

comprised a default strategy in which none of the selected advertisements are served

(*Col. 14, lines 2- 7*, where "run of the network advertisement" reads on default

strategy).

With respect to claims 11 and 12, Radwin teaches all elements of claims 6 and

11, furthermore, Radwin teaches the method further comprising:

determining that the identified search terms do not relate to one of a collection of

selected advertisements (*Fig. 8, 802*, receiving terms, *804* matching (determining)

keyword, *805*, where no match, *806* teaches presenting non-keyword search ad); and

when it is determined that the identified search terms do not relate to one of a

collection of selected advertisements, serving an advertisement other that the selected

advertisement (*Fig. 8, 806* teaches presenting non-keyword search ad and *Col. 12.*

lines 36-50, which teaches filtering out advertisements that are not related to previously

stored search term).

Radwin does not explicitly teach in claims 14 serving no advertisement if the

search terms do no relate to one of a collection of selected ads. However, that is

inherent when there is no result to execute because the search terms do not produce a

result/ad, which reads on serving no ad

Claim 15 is taught inherently because enacting/serving/executing cannot be at

the same instant as searching.

With respect to claim 23, Radwin teaches all elements of clam 1, the method of

claim 6 wherein collecting search terms comprises collecting a history of inquiries the

user has submitted over a predetermined length of time (*Fig. 3 Col. 7, lines 28-30,*

where *"time stamp 77 identifies search term last used" reads submitted over*

predetermined length of time).

With respect to claim 24, Radwin teaches all elements of claim 1. Furthermore,

Radwin teaches collecting search terms comprises collecting a history of all queries the

user has submitted to the search facility *(Col. 4, lines 34-39, where "storing search*

terms" reads on submitting to the search facility and Col. 7 teaches, lines 21-40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 16- 17, 19-20, 25, and 27-28 are rejected under 35 U.S.C. 103(a) as

being obvious over Radwin (7,007,074 B2) in view of Ponte (6,826,559 B1)

With respect to claim 16 and 27 a method of <u>using one or more processors to</u>

<u>distribute</u> Internet advertisements to users comprising:

<u>for each a plurality of users</u> *(Col. 2, lines 53-59, which teaches advertiser*

presents their advertisements to users based on presentation of search result),

with processor, collecting search terms employed by users of a search facility

(Col. 11, lines 49-56 , where "search terms stored for later use" reads on collecting

search terms) <u>during each of a plurlity searches submitted by the user to the search</u>

facility *(Fig. 6,602, 604, and 606, search terms submitted by user Col. 2, lines 53-59,*

which teaches advertiser presents their advertisements to users based on presentation

of search result reads on collecting search terms, and Col. 15, lines 10-13);

with processor, collecting a unique identifier associated with the user *(Fig. 3, 22*

user profile contain user unique identifier (User 0-n) associated with each user and Col.

6, lines 45-58);

with processor storing the search terms and unique identifiers in a database, with

each identifier associated with the search terms employed by the associated user *(Col.*

6, lines 1-10, where database is inherent) ;

in response to a user visiting a publisher web site, with a processor, determining

the user's unique identifier *(Fig. 3, where "user 0-n" reads on user identifier),* searching

the database to determine an advertising strategy to which the user's unique identifier

was assigned prior to the user's current visit to the publisher web site (*Fig. 3, where*

"table" reads on database and Col. 6, lines 44-58), and serving to the user an

advertisement associated with the advertising strategy *(Col. 12, lines, 17-35, which*

teaches serving advertisements to user via web page (advertising strategy)

Radwin teaches all the above elements, including with processor, generating a

plurality of selected advertising strategies, each advertising strategy specifying a plurlity

of advertisements, a plurality of search terms an arbitrary time duration*(abstract, Col.*

1, lines 30-38, which teaches a term is searched during a period of time and Col. 3,

lines 19-37, which teaches repository includes immediate and time-dependent (time

duration) advertisements and search characteristics associated with various search

terms entered by user). Radwin does not teach arbitrary Boolean search expression, based on the search terms with a processor assigning identifiers to at least one of the advertising strategies by comparing the search terms collected for the user to the Boolean search expression <u>specified by</u> each advertising strategy.

However, Ponte teaches generating a plurality of selected advertising strategies, each with an associated Boolean search expression *(Col. 27, lines 19-22),* the Boolean search expression corresponding to search terms associated with the associated advertising strategy (*Col. 27, lines 26-35*);

assigning identifiers to at least one of the advertising strategies (by comparing the search terms collected for the user to the Boolean search expression associated with each advertising strategy *(Col. 27, lines 1-23).* Therefore, it would have been obvious to the one ordinary skill in the art at the time invention to include Boolean search expression as taught by Ponte into the system of Radwin in order to provide user with efficient search system.

Radwin in view of Ponte teaches claim 16. Additionally, Radwin addressed claim 17 by the rejection of claim 8 as cited above.

Radwin in view of Ponte teaches claim 16. Additionally, Radwin addressed claim 19 by the rejection of clam 11 as cited above.

Radwin in view of Ponte teaches claim 16. Additionally Radwin addressed clam 20 by the rejection of claim 12 as cited above.

With respect to claims 25 and 28, Radwin in view of Ponte teaches all elements of claim 27, except Boolean search expression associated with at least one of the selected advertising strategies incorporates a Boolean operator other than OR.

However, Ponte teaches Boolean search expression associated with at least one of the selected advertising strategies incorporates a Boolean operator other than OR *(Col. 27, lines 25-35, where "AND" reads on Boolean operator other than OR).* Therefore, it would have been obvious to the one ordinary skill in the art at the time invention to include Boolean search expression as taught by Ponte into the system of Radwin in order to provide user with efficient search system.

With respect to claim 31, Radwin in view of Ponte teaches all elements of claim 16, except the Boolean search expression associated with each advertising strategy is not supplied as part of a query.

However, Ponte teaches Boolean search expression associated with each advertising strategy is not supplied as part of a query *(Col. 24, lines 1-8, where "Boolean operator and" is a conjunctive of search term correspond to the formation of a subset).* Therefore, it would have been obvious to the one ordinary skill in the art at the time invention to include Boolean search expression as taught by Ponte into the system of Radwin in order to provide user with efficient search system.

Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radwin (7,007,074 B2).

With respect to claims 29 and 30, Radwin teaches all elements of claims 6,

including and time-dependent and first search term is available during a period of time,

(Col. 3, lines 38-47), time dependent advertisement available for presentation during a

period of time until the time period expires *(Col. 5, lines 14-40)* and shorter the period

of time between a selected web page and previously searched terms *(Col. 12, lines 30-*

35) and same (common) search query matches against the advisements, and

determine which of the two advertisements will be presented *(Col. 14, lines 19-28).* .

Radwin does not explicitly teaches arbitrary time duration associated with a first

advertising strategy is greater than the arbitrary time duration associated with a second

advertising strategy. However, it would have been obvious to the one ordinary skill in

the art at the time of the invention was made to include advertisement distribution

scheduler in the system of Radwin in order to calculate the time that has elapsed

between two advertisements.

Response to Arguments

Applicant's arguments filed 27 April 2009 (9-13) have been fully considered but

they are not persuasive.

Applicant argued that unable to find any portion of Radwin that describes or

suggests a plurlity of advertising strategies each specifying an arbitrary time duration.

However, the examiner respectfully disagrees with the applicant because Radwin a

plurlity of advertising strategies each specifying an arbitrary time duration *(Col. 3, lines*

19-37, which teaches presentation to the user until the period of time expires (duration

time **Col. 5. lines 24-26**, "time dependent" advertisements available for presentation

until the time period expired and **Col. 10, lines 55-63.** which teaches search term

previously used by the same user to perform an earlier until particular search term in no

longer available (i.e. expired) and advertisements no longer available **).**

Applicant argued that Ponte fails to describe advertising strategies that specify

Boolean search expression. However, the examiner respectfully disagrees with the

applicant because Ponte teaches advertising strategies that specify Boolean search

expression **(Col. 7, lines 34-35,** which teaches several Boolean querying terms **and**

Col. 13, lines 35-41, which teaches queries including Boolean search terms (e.g. **Col.**

1, lines 34-35, search terms targeted banner ads **Col. 23, lines 35-41**, where quires

includes Boolean search terms, where "quires" reads on advertising strategy based on

applicant clarification **).**

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to SABA DAGNEW whose telephone number is (571)270-

3271. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James W. Myhre can be reached on 571-272-6722. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. D. /   /Raquel Alvarez/
Examiner, Art Unit 3688   Primary Examiner, Art Unit 3688